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IV.

JAPAN AND THE WESTERN POWERS.

AFTER an extended sojourn as a student, in Europe and America, for nearly eight years, I lately returned home filled with wild expectations in regard to the great improvements now universally acknowledged. I am obliged to say, however, that in the habits of the people and public improvements generally there has been less progress than I expected to see. But that the country has undergone a complete revolution in sentiment, both social and political, is beyond question. In this particular I am agreeably surprised. The numerous journals which have sprung into being since 1872, and whose editorials may fairly be taken as expressing the opinions of that class of people mostly interested in the welfare of the empire, teem with intelligent discussions, both of a social and political nature.

The most prominent and noteworthy questions discussed are those bearing upon the subject of the revision of the existing treaties ; and it is evident that both the Government and people are in perfect accord on this subject. It is also evident that they are now wide-awake from the seeming slumber of the years just past ; and they are no longer dreaming of the blissfulness of the "Tariff Convention," nor yearning after the blessedness of "extra-territorial jurisdiction."

It was in 1853 that Commodore M. C. Perry arrived in Japanese waters, in command of the United States squadron, bearing a letter from the President of the United States to the Government of Japan.

On the 30th of March, 1854, a "treaty of peace and amity" was signed by Commodore Perry and the commissioners of the Tycoon.

A similar convention, but providing for the opening of Na-

gasaki, was signed October 14, 1854, by the commissioners of the Tycoon Government and Sir James S. Knight, H. B. M. rear-admiral in the East Indies. On the 26th of February, 1855, a treaty was made with Russia; and in the spring of 1856 Holland made a somewhat more extended treaty, but no additional privileges were granted by Japan.

In June, 1857, Mr. Townsend Harris, United States consul-general, made another convention, more commercial in its character, but this was revoked by the treaty of 1858. This was followed on the 16th of October by the Netherlands, and a convention was made, as a supplementary treaty to the previous one. Russia also followed the same course October 24, 1857.

We now come to the more important treaty of July 29, 1858, with the United States, upon which I must dwell more than on the preceding, for this one served especially as the model of all the other treaties subsequently made, and now existing. On this account I propose to point out such of its provisions as are quite peculiar to itself, and very uncommon in the treaties between sovereign powers. It provides that—

“The President of the United States, at the request of the Japanese Government, will act as a friendly mediator in such matters of difference as may arise between the Government of Japan and any European power. The ships-of-war of the United States shall render friendly aid and assistance to such Japanese vessels as they may meet on the high-seas, so far as can be done without a breach of neutrality, and all American consuls residing at ports visited by Japanese vessels shall also give them such friendly aid as may be permitted by the laws of the respective countries in which they reside.”

It is fair and proper to remark that these provisions are absent from all the other treaties, thereby showing that the United States was most forward to treat with Japan in a friendly spirit.

Again :

“The place which the Americans shall occupy for their buildings, and the harbor regulations, shall be arranged by the American consul and the authorities of each place; and, if they cannot agree, the matter shall be referred to and settled by the American diplomatic agent and the Japanese Government.”

Here appears the first "cloven-foot," as this article strips the Japanese Government of its absolute and sovereign power to establish harbor and municipal regulations. Imagine England dictating the municipal laws or harbor regulations of an American city!

But to continue:

"Duties shall be paid to the Government of Japan on all goods landed in the country, and on all articles of Japanese production that are exported as cargo, according to the *tariff hereunto appended*:" also "all goods which are imported into Japan, and which have paid the duty fixed by this treaty, may be transported by the Japanese into any part of the empire, without the payment of any *tax, excise, or transit duty whatever*."

Here Japan is again strangled; her hands and feet are alike tied. Nor are these all the odious provisions; additional and more onerous burdens are placed upon her shoulders by the "Tariff Convention" of 1866, but these will be discussed in their proper place.

And again:

"All foreign coin shall be current in Japan, and pass for its *corresponding weight* of Japanese coin of the same description; and Americans and Japanese may freely use foreign or Japanese coin in making payments to each other."

Owing to the greater intrinsic value of Japanese coin, the practical effect of this clause was to deplete the country of its treasure; and while Japan was flooded with unnecessary merchandise at extravagant prices from European countries, the old coins—gold and silver—of the empire were recoined in remote capitals, and then beautified with the visages of civilized potentates. It was subsequently found, however, that this monetary arrangement was not without some alloy, and so it was practically nullified by the "Tariff Convention" of 1866.

Furthermore:

"Americans committing offenses against Japanese shall be tried in American consular courts, and when found guilty shall be punished according to American law. Japanese committing offenses against Americans shall be tried by the Japanese authorities, and punished according to Japanese law."

Although probably disputed by highly-intelligent diplomats, it seems to me that a fair construction of these clauses entitles both governments to establish in each other's country judicial courts. The United States has had its consular courts in all the open ports of Japan for many years; and it is no novelty to say that they have exhibited at times the most curious proceedings and results, which were in keeping with anything but the spirit and letter of law. On the other hand, Japan has not as yet had any occasion to establish similar courts in the United States. It need hardly be said that the attraction will be great when a Japanese consular court or some other "authority" shall be created in a metropolis like New York, and a trial shall take place when the plaintiff is an American and the defendant a Japanese! Is it likely that the American judges would feel any "exceeding joy" because they were thus much relieved of their labors?

And once again:

"In the opened harbors of Japan, Americans shall be free to go where they please, within a limit of about twenty miles in all directions."

And, finally:

"The articles for the regulation of trade which we append to this treaty shall be considered as forming a part of the same, and shall be equally binding on both the contracting parties to this treaty, and on their citizens and subjects."

This makes it binding upon the Japanese Government to strictly observe the "regulations of trade," which cannot be changed in the least degree, however incompatible with the interests of Japan, without the most elaborate "diplomatic" negotiations with, and "consent" of, the foreign representatives. How would America like to adopt such trade regulations at home? Do we not find in this a beautiful application of the golden precept to "do unto others as we would have them do unto us?"

The trade regulations conclude by providing that—

"Five years after the opening of Kanagawa, which took place in 1859, the import and export duties shall be subject to revision, if the *Japanese Government desires it*."

We shall presently return to this clause and show how its spirit

and letter were alike ignored, and a tariff of an entirely different nature was adopted. The above text was adopted by the other powers, as one would adopt an India-rubber suit, and several treaties were signed as follows: Russia, August 7, 1858; Holland, August 18, 1858; Great Britain, August 26, 1858; France, October 9, 1858; Portugal, August 3, 1860; Prussia, January 24, 1861; and Switzerland, February 6, 1864. Then came the famous "Tariff Convention" of June 25, 1866, with "bonded warehouse regulations," followed by Belgium, August 1, 1866; Italy, August 25, 1866; Denmark, January 1, 1867; Sweden and Norway, January 11, 1868; Spain, November 12, 1868; North Germany, February 20, 1869; and Austria, October 18, 1869.

It will thus be seen that America led the rest of the world in its intercourse with the empire of the "Rising Sun."

It was the United States that made the first treaty of peace and amity with Japan; it was that republic which made the first treaty for "regulating the intercourse of American citizens within the empire of Japan;" it was the United States also which made the first treaty of "amity and commerce," and in none of these do we find as cunning devices of diplomatic imposition as have since been inaugurated by later "diplomats." The course of American diplomacy was appreciated then, is appreciated now, and will be in the future, shining brightly in the pages of history. After the first treaty had been signed, and the sincerity of American friendship confided in by the Japanese authorities, as was the case, it would have been comparatively easy to impose any stipulation which might ultimately destroy the prosperity of the empire, upon those who hardly knew what a treaty meant. But America would not attempt such an unjust policy against a people enfeebled by long isolation from the family of nations, and by the suicidal policy of the Tokugawa despotism. The friendly and conscientious course of the United States in dealing with Japan in those days cannot be over-estimated.

That republic, I must repeat, led others in making reasonable treaties, but not in inaugurating the cowardly policy of "coöperation"—a policy introduced at a later date to carry out the purely selfish object of forcing the products of Manchester upon unwilling markets. It was the fair and manly action of the American minister at the time that secured the confidence of

the Tycoon's authorities ; and were it not for this confidence, thus early obtained, the agents of other powers would surely have met with anything but success in their endeavors to make treaties with Japan. To show the correctness of this view, it is enough to say that even the British Government presented to Mr. Harris a gold snuff-box, in acknowledgment of his good offices and assistance when Lord Elgin was negotiating for a treaty ; and that his name is often resorted to by some of the foreign representatives in justification of the claim that the "Tariff Convention" of 1866 must always remain in force, because the system was inaugurated by him, "the faithful friend of Japan." But they cannot convince us that his motive in attaching the tariff stipulation to the treaty of 1858 was to perpetuate a system ; but it was merely a temporary expedient, to remain in force only until such time as Japan should become familiar with the ways of enlightened foreigners. The whole career of this diplomat, whatever he may have been, proves him to have been a true friend of Japan, as well as entirely loyal to his own country.

Returning to the concluding provision of the trade regulations, above cited, let us examine the details and circumstances under which the "Tariff Convention" was signed.

Instead of carrying out that provision, namely, that the tariff shall be subject to revision, five years after the opening of Kana-gawa, according to the desire of the Japanese Government, the foreign representatives forced upon the Yedo Government the adoption of the "Tariff Convention" of 1866.

This nefarious transaction was done at the time when Japan was convulsed by internal commotion, growing directly or indirectly out of her sudden association with the family of nations. The old system of feudalism was falling to pieces, the relation of retainer to his hereditary prince was being discussed, the dual government of Mikado and Tycoon was being criticised, peasant and noble saw that a great change was impending, clans were gathering, men were muttering, and Japan found herself in the throes of a revolution. Notwithstanding all this, the Japanese Government was faithfully carrying out its treaty obligations ; but with the general discontent prevailing it was impossible to control every action of irresponsible people, or to prevent individual Japanese and foreigners from occasionally coming into collision.

Such collisions were infrequent, but, when they did occur, were always magnified, and reparation and indemnity demanded from the Government ; and thus, in addition to internal troubles, were added perplexing and unnecessary complications and demands—made for the purpose (as the Japanese will always believe) of increasing the difficulties of the Government, and, by weakening it, placing it in a condition in which it might be coerced. These foreign demands, as they became known, increased the popular commotion, and resulted, as they were bound to do, in unfriendly acts and outrages upon several foreigners by irresponsible Japanese. But there were indeed many cases where fatal collisions were purposely provoked by foreigners, the results of which were no more a matter of satisfaction to us than of regret. Such was precisely the case of Richardson, the Englishman who willfully tried to ride through the train of the state procession of “Prince Satsuma,” and was killed by a retainer of the prince, an act which, at that time of feudalism, was entirely justifiable, because such discourtesy to a princely retinue was deemed an unpardonable outrage. It was in retaliation for the death of Richardson that a British squadron, in 1863, bombarded the city of Kagoshima, destroying a large part of the place and property to the value of several millions of dollars ; and, not satisfied with this, the Japanese Government was compelled to pay the British representatives an indemnity of over four hundred thousand dollars. About this time a certain French vessel and an American merchant-vessel were fired upon by the reckless soldiers in the fortress of Shimonoseki, and prompt retaliation was meted out by the naval forces of the respective countries so offended. Even an indemnity was demanded in the case of the United States vessel, and duly paid by the Tycoon. But the English authority in Japan (although no English vessel had been attacked) was not satisfied with such lenient punishment and limited indemnity. Hence, in spite of his instructions, he concocted a famous naval expedition ; and thus, on a certain day in 1864, was fought the *great and memorable* battle of Shimonoseki, between a prince of Japan on the one hand and Great Britain, Holland, France, and the United States, on the other.

The combined fleet of the foreign powers consisted of eighteen vessels, carrying 287 guns, while the Prince of Choshin was

fortified with a few crude batteries, and had three small vessels, fitted out as gunboats, and a few battalions of irregular soldiers. His batteries were spoiled and razed; the boats were sunk; and the town of Shimonoseki destroyed. It was indeed a *glorious victory!* And what else? A convention was subsequently forced upon the Tycoon's government, and reluctantly signed by the latter, the substance of which was as follows:

"1. The amount payable to the four powers is fixed at three millions of dollars (\$3,000,000)," etc.

"2. The whole sum to be payable quarterly," etc.

"3. Insomuch as the receipt of money has never been the object of the said powers, but the establishment of better relations with Japan, and a desire to place these on a more satisfactory and mutually advantageous footing is still the leading object in view: therefore, if his Majesty the Tycoon wishes to offer, in lieu of the payment of the sum claimed, and as a material compensation for loss and injury sustained, the opening of Shimonoseki, or some other eligible port in the Inland Sea, it shall be at the option of the said foreign governments to accept the same, or insist on the payment of the indemnity in money, under the conditions above stipulated.

"4. This convention to be formally ratified by the Tycoon's government within fifteen days from the date thereof."

As this indemnity was declared by the American Secretary of State to have been most unjustly exacted, and as the United States is the only Government which has thus far, by the votes of its national Legislature, acknowledged that indemnity to have been a gross wrong against the law of nations, as well as against Japan, we are once more enabled to draw a contrast, in their line of conduct, between the European powers and the United States. A most "eligible port," that of Kobe, on the Inland Sea, was demanded by the foreign representatives, backed by the fleets of the four nations, and was subsequently opened and settled; and yet, the last farthing of the indemnity was insisted upon. Was not this a handsome business? Did those representatives imagine that such dealings with a feeble nation would glorify their names in the pages of history, and be read without a blush by future generations?

Passing over, for want of space, some details in this connec-

tion, let us now briefly examine the important and unique features of the "Tariff Convention" itself. It begins as follows:

"The representatives of Great Britain, France, the United States of America, and Holland, having received from their respective governments identical instructions for the modification of the tariff of import and export duties contained in the trade regulations annexed to the treaties concluded by the aforesaid powers with the Japanese Government in 1858, which modification is provided for by the seventh of those regulations" (what glaring violation there has been of the spirit and letter of that article!); that "the Japanese Government promised, during their visit to Osaka in 1865, to revise the tariff on the general basis of five per cent. duty on both imports and exports" (this reminds the writer of a few powerful and muscular men holding a child by the throat and exacting from it a promise!); that "the Japanese Government, being desirous of affording a fresh proof of their wish to promote trade and to cement the friendly relations which exist between their country and foreign nations" (what a sweet phrase this is! Must the poor and weak give up his *all* to cement the friendship with the opulent?); that "the contracting parties formally accept, as binding upon the subjects of their respective sovereigns and the citizens of their respective countries, the tariff thereby established and annexed to the present convention; that this tariff is substituted for the original tariff attached to the treaties of 1858; that the new tariff shall come into effect in the port of Yokohama on the 1st day of July, 1866, and is subject to revision on and after the 1st day of July, 1872" (remember this convention was signed on the 25th of June, 1866!); "that all articles of Japanese production conveyed to the open ports shall be free of tax; that one hundred Mexican dollars shall be received at the custom-house as substitutes for 311 ichiboos" (Japanese old silver coins); "that upon their concurrence the Japanese Government was to enlarge the mint to secure an adequate issue of native coins, so as to exchange these with foreign coins from time to time, as the merchants might desire, and the seigniorage was to be determined by the common consent of the contracting parties; and that the foreign consuls and the governor of each port were to make jointly, and by mutual consent, such regulations as would facilitate custom-house business."

The convention concludes with the following words:

"The undersigned being of opinion that it is unnecessary that

this convention should be submitted to their respective governments for ratification before it comes into operation, it will take effect on and from the 1st day of July, 1866."

A mere perusal of this concluding clause, when compared with the foregoing provisions, must convince any impartial reader that, either the contracting parties on one side regarded the whole subject as trivial, or, knowing the exact bearing of it, as they ought to have known, they forced it upon the other party, which amounted to nothing less than an unworthy deception. Yes, a treaty depriving a feeble nation of the power to legislate in regard to its tariff, thus crippling its national finances and industries, even threatening its very existence, was regarded by "the undersigned" as being too unimportant to require a proper ratification "before it comes" into operation; and five days after the treaty was signed it went into operation.

For want of space, we cannot here examine at length the tariff itself; suffice it to say that all articles of both imports and exports, with few exceptions, are subjected to a duty of five per cent., *opium* being the only article *absolutely prohibited*.

As the inevitable result of this convention, Japan alone has suffered. During the last eight and a half years preceding June 30, 1876, the average amount of annual trade was \$40,895,390; that of imports over exports, \$7,255,164; while the aggregate amount of trade was \$347,610,818, and the total balance against Japan amounted to \$61,668,892 (an amount equal to that of the annual revenue of the empire), and eight-tenths at least of this sum have found their way into the pockets of Englishmen. Should such an order of things continue forever?

It is proper to state that the year ending June 30, 1877, was somewhat better. The total amount of trade was \$52,625,355, and the exports from Japan over the imports amounted to \$2,207,917. But this, however, is attributable entirely to an accidental cause. The production in silk having failed abroad for that year, the demand for Japanese silk was unusually large, causing a favorable result in a degree. As is seen from the customs returns, so far as published for the recently ended fiscal year, the balance of trade cannot but be against Japan. One thing is certain, that something must be done to check this state of affairs, if Japan means to live long!

Japan now fully recognizes her responsibility as a member of the family of nations, and this through the instrumentality of the United States. As mentioned elsewhere, all the treaties were first signed with the United States, excepting the "Shimonoseki Convention" and the "Tariff Convention," which were the result of the unworthy intrigues of other parties; and, although it is true that the United States was a party to them, she was not the leading spirit, but, by force of circumstances, she simply joined with the rest. This is known and recognized by all parties.

Having said this much, let us pause a moment and meditate. Is there not a certain amount of moral responsibility on the part of the United States regarding the future welfare of Japan? If there is, will she not see to it that Japan's just demand, to resume, as an independent nation, the legislative power regarding her foreign commerce and customs tariff, shall be complied with? Will it not be extremely proper for her also to lead other powers in delivering Japan from these entangling arrangements, as she did in regard to the old treaty?

Whatever may be the idea entertained by the United States and other powers regarding their moral responsibilities for the prosperity of Japan, there is no alternative for us but that we must regain, at any cost, that inherent right to legislate independently of the treaty powers on the customs tariff and foreign commerce. Surely we cannot, nay, will not, submit ourselves any longer to this slow but sure process of "capitulation"—the death of the national life.

Look at the history of the Ottoman Empire: what was the condition of her native industry about a century ago, and what is it now? Read the pitiful story in this connection, recorded by J. R. McCulloch, as well as the statistics of the time.

Must Japan calmly await the time—which will surely come, if not warded off—when her fate will be like that of Turkey, deplorable in the extreme? The conduct of the foremost foreign agent in Japan seems to say "Yes, Japan must wait." Is it because Japan is a heathen nation that the avowedly Christian and civilized powers abuse and persecute her to the extreme? Must the heathen nation turn the other cheek that the Christian may smite?

Judging from the sentiments advocated by the English organs at Yokohama for many years past, no other conclusion can be reached than that at least the people whom these organs represent expect us to submit for ever to the onerous conditions of "capitulation." In reference to the proposed abolition of the "Tariff Convention," they expressed their aversion to it, making a series of assertions of the most preposterous nature, fit only for those devoid of reason and a sense of decency. It was declared by one of these organs that though Japan might desire to exercise freely her own judgment in matters affecting the customs tariff, England would kindly advise her as an elder sister would a younger, saying, "My dear sister, you wish to do this and that, but I think you are not capable of judging, and I cannot consent to your doing so." This affectionate admonition contrasts beautifully with the fact that the Japanese exports to England amounted to less than \$4,000,000 in 1866, and \$9,000,000 in 1877, while the English exports to Japan in 1866 were very nearly \$15,000,000, and over \$15,000,000 in 1877.

In the face of these figures and other figures elsewhere mentioned, do they still expect Japan to accept the tender counsels of "the elder sister," following the footsteps of the Ottoman Empire to the very end of self-destruction? Away, I say, with such a delusion!

It is well known that in the year 1872 the Japanese ambassadors had a negotiation with the Government of the United States for the general revision of treaties, and, for some reasons not clear to outsiders, the negotiation fell through; and until recently nothing more was heard regarding the revision.

But it is now authentically stated that a formal proposition to revise the existing treaties has lately been made to all the treaty powers. What Japan desires by this treaty to accomplish seems to be very simple and extremely reasonable. It desires, in the first place, that the "Tariff Convention" of 1866 and the "trade regulations" attached to the treaty of 1858 shall be annulled, so as to enable Japan to legislate independently upon matters connected with her tariff and foreign commerce; and, secondly, she proposes to open, to the people and vessels of the countries which shall accept the first proposition, such additional ports as will be best calculated for commercial purposes. To my mind there

cannot be a more reasonable proposition. It is not to be doubted that those powers which entertain the slightest feeling of justice and sympathy toward Japan, and whose eyes are open to the wider interests of their future commercial relations with her, will not hesitate to comply with the expressed desire of Japan. But just here I cannot restrain myself from expressing my surprise that our Government does not boldly demand that the "extra-territorial jurisdiction" shall be also given up. It must be plain to the rulers that, so long as this remains in force, a decent government is an impossibility. How long are they willing to endure this sort of imposition? We, the people, cannot certainly continue much longer to suffer the double yokes upon our necks. I say "double," because we are subjected to the prompt execution of our strict law—civil and criminal—whenever resorted to; while a foreign subject is allowed to violate our laws with impunity, if such violation be not the violation at the same time of the law of the nation to which he belongs; and it is also true that, even when he violates the law of his nation, he is too often only nominally punished. The effect of all this is to compel us, the people of the soil, to socially and legally humble ourselves in dealing with the favored alien, an invader of the soil.

It will not be out of place here to give a few facts to corroborate these grievances. A certain American captain, by the name of Batchelder, has been a tenant for the last six or seven years in the Tsukiji settlement, Tokio. The payment of five years' rent was withheld; the landlord, the municipal government of Tokio, sued before the American consular court for the recovery of the rent. The plea of the defendant was briefly as follows: that the Japanese Government having established by convention a settlement for foreign people, it had thus by implication bound itself not to allow foreigners to live without the said settlement; that notwithstanding this the Japanese Government did allow foreigners this freedom to some extent, thereby causing loss to the defendant's holding; therefore he had the right to withhold the payment of rent as well as to occupy the said premises. The American judge decided in favor of the defendant. Shortly after a precisely similar case to the above was brought against a Mrs. Blackley in the British court; the plea was similar, and the British judge decided that "the defendant must be compelled to

pay" the rent. In the mean time the Japanese Government was moving for a new trial of Batchelder's case. One day, to the great surprise of the authorities and the public, an overture was made by the captain to pay the whole amount of five years' rent, despite the judgment awarded in his favor, and the municipal authority of Tokio quietly accepted it. Thus was wound up the whole affair of the ground-rent cases.

No comment or explanation is needed regarding the vast difference between the results of the two cases. There is another and more recent instance of a flagrant violation of the treaty under cover of "the extra-territorial jurisdiction" clause.

During the last spring a certain English merchant, Hartley by name, was detected while trying to smuggle through the custom-house a large quantity of opium. The customs authority, of course, seized it, and brought an action against Hartley before the British court for the fine as specifically provided in the treaty. After a long and exhaustive trial Mr. H. S. Wilkinson, "acting law-secretary of H. B. Majesty's legation" in Tokio, sitting as judge in a British court, decided in favor of the defendant; and a decree was recorded that he, and as matter of course all English subjects, might freely import opium as a medicinal article, after paying an *ad valorem* duty of five per cent. "The ground upon which the acting law-secretary based his judgment was that the opium in question was in his opinion 'medicinal opium,' and as such not subject to the prohibitory clause of the treaty." But our readers will remember that the prohibition of opium, set forth in the treaty, is absolute and unconditional.

Shortly afterward the same party, Hartley, endeavored again to smuggle opium concealed in a package of gum-arabic; and trial ensued as before. This time Mr. Wilkinson ruled that, "as all the goods which were capable of being duly entered were so entered, there could be no confiscation," and decreed that the once confiscated article should, therefore, be delivered over to Hartley.

It is needless to say that each and all of these cases are extremely anomalous and arbitrary. Even the most absolute and despotic monarch of this nineteenth century would not dare to be so inconsistent and arbitrary in dealing with the least of his subjects! And yet a certain foreign agent, sitting, as it were, on

a phantom throne called "ex-territorial jurisdiction" smiles at and encourages all these outrages with apparent impunity. The very plot, now existing, of forcing opium into Japan, finds, it is conceded generally, its origin in the self-same individual who figured very conspicuously in the bloody Opium War in China about twenty years ago. It is no wonder that he should help to complicate the new opium agitation, when we recollect how reckless his actions were in the attempt to rescue the Arrow, the famous opium-smuggler, from the Chinese authorities.

By dearly-bought experience our rulers very well know that, whatever may be its nature, any proposition made by our Government is twisted, distorted and subjected to all sorts of procrastination; and that all past attempts to accomplish an end, by means of reconciliation, with the pretended assistance of the shrewd diplomats, have failed.

Since the failure of the Washington negotiation, over six years ago, what has been accomplished in the direction of treaty revision? Absolutely nothing—so far as we know—and time is passing swiftly. Shall another decade be permitted to roll away before our Government will have courage to demand the repeal of the "extra-territorial jurisdiction" incubus? Or is it the intention of our rulers to delay this step until the time shall arrive when they will be compelled, by some event like a general uprising of the people, to make an untimely effort? If not so, why is it that they do not promptly act, when there is as good a chance and as absolute a right to attain the object as at any future time? O ye rulers of my country, ye are responsible for the future destiny of Japan! "Wake up," I beseech you, and do something better for us than you have hitherto done, in regard to our foreign policy! Why so timid and over-careful? Are ye all afraid of the "black vessels" and "guns?" Threatening as they may appear, they cannot, in these days, be made to work without good and ample cause. No power would dare to declare war, because we had demanded and insisted that the "odious provision" should be abrogated, on the ground that "it is an absolute burden upon" Japan, and that she can suffer it no longer. The treaty powers, each and all, have long since accepted—and now hold it as an inviolable maxim in their mutual intercourse—that "every nation has certain rights called Primary

and Absolute Rights, with regard to other nations, which pertain to its moral being as an independent political body, and the enjoyment of which is indispensable to its existence as such." Among these "the most essential, and as it were the Cardinal Right, upon which all others hinge, is that of self-preservation," and that any other rights which may be called "Secondary or Conditional Rights" are the outgrowth of the free exercise of those absolute rights. We, who have adopted them, have a perfect right to expect that the treaty powers will not trespass upon these principles in their intercourse with Japan.

Now that the experience of the last twenty years convinces us that the sanction of the "extra-territorial jurisdiction" was a grave error—though committed by the free exercise of those absolute rights—we now desire that it shall be abolished. It is well-nigh threatening the national existence, and this the treaty powers know full well. What right has any one of them to refuse a demand to abrogate this "odious burden?" I cannot believe, as some of our dignitaries seem to believe, that the nation claiming superiority in justice and civilization will forever try to "bully" a young and good-hearted nation. But, if by some accident they should, why shall we not abrogate the whole of our commercial treaties, and resume the original and absolute rights of our independent nation, and open the whole empire to all who obey the laws? This is a simple proposition; but, in the opinion of my readers, am I too rash and forgetful of the multifarious threats of the past? Nay! I remember them too well. Wineglasses and tumblers, at a stately conference, may be smashed on the table, and these words be uttered: "If you do not this nor concede that, your country will be smashed after this manner!" Failing at a negotiation with the proper authority, the premier may be reached and intimidated with the usual threats; a marine corps or two may be landed without permission and without cause; seaport cities and towns may have been hastily bombarded without sufficient cause; the operation of the postal-union treaty may be retarded for fourteen months by an annoying interference of a representative; the alleged right to have a voice in framing the quarantine regulations may be claimed, and defied with an outspoken threat to resort to force; the Yokohama "organs" may be encouraged to criticise all acts of the Government;

and they may have upheld to the last moment the fallen cause of the rebels, or created rumors derogatory to the imperialists in the trying hours of the late insurrection.

But all these, annoying as they have been, simply amounted to threats and "bullying," and not to a declaration of war; nor, indeed, have they helped the consummation of the latent object—to force the whole country open, while perpetually retaining "the extra-territorial jurisdiction;" while on the contrary we have been more fully convinced than ever how dangerous it is to open our country a step further without our laws being obeyed by foreigners.

How long must Japan be compelled to withhold all its privileges from foreign people? New Japan does not wish to perpetuate this sort of unnatural intercourse with other nations. She is perfectly ready to-day to open her heart to all who will abide by her laws! It is almost needless to point out that the speedy arrangement to open the whole country on the one side, and to abide by the laws of Japan on the other, cannot fail to be of vast advantage to both. There has been on the part of our foreign friends, it is true, a feeling of reluctance to give up the right of "the extra-territorial jurisdiction," while assuming an attitude demanding that the whole country should be opened to foreign commerce, and all the while knowing so well that the "unexpected loss" to Japan, arising out of the very "odious provision"—"the extra-territorial jurisdiction clause"—has been incommensurate with their "anticipated advantage" from a wider field of investment. But they should in justice to themselves, as well as to us, remember that, "if one or other of the contracting parties must sacrifice a right, it will be a less violation of equity that the one should forego an anticipated advantage than that the other should suffer an unexpected loss. It is the famous distinction between '*de lucro captando et de damno vitando*;' " and we do not intend to demand this much either. What we want is simply a fair exchange and nothing more! Fair-play is the fundamental principle of human association, and mutual advantage, in matters of commerce, is its own mother. In the absence of these, the association must of necessity decline, and the commerce perish.

I cannot help expressing my wonder that our foreign friends, with their keen intelligence, will not see that Japan cannot, under

any circumstances, open itself entirely until the "odious provision" is given up, and that the advantages which may accrue to them, from a much wider investment of their capital and labor, clearly outweigh the supposed importance of the "extra-territorial jurisdiction."

It is true that there have been some enterprising merchants who heartily desired the adoption of this arrangement; even some of the representatives entertained the same view. But a few powers combined, worked hard, and defeated its consummation. Such powers seem, indeed, to have misguided, instead of leading aright, their own people; and such effort cannot fail to be prejudicial to all amicable understanding, inasmuch as it would seem to "be contrary to morality for nations to combine for the purpose of retarding the innocent growth of the power of a state."

Referring to the figures which have already been presented in this paper, we reach the conclusion that the "Tariff Convention" has not proved to be beneficial to a majority of the treaty powers—notably to the United States—and that Great Britain has been the principal gainer. The reason is too apparent to require any expatiation. In short, so far as the trade of Japan is concerned, England has the entire monopoly; and yet, for reasons quite incomprehensible to us, and perhaps equally so to themselves, some other powers seem to be inclined to support the views inculcated by the English school, in favor of perpetuating the "Tariff Convention." By so doing they are unwittingly helping, I fear, British trade to the detriment of Japan, while not benefiting their own interest. They all, even England, must remember the fact that no country has ever existed which could continually buy more than she had to sell, in one form or other, and that "it is not wise to kill the goose that lays the golden eggs."

The very country whose representative in Japan has been so notorious in preaching the doctrine of coercion and "coöperation," and availed himself of every opportunity to obtain additional concessions from us, in all matters whatever, has, both morally and commercially speaking, gained no more than she might have expected by the opposite policy. We do not mean to insinuate a doubt as to the patriotic intention and earnestness

of the agent, but we do greatly doubt whether he is conversant with the sentiment of the better classes at home; and we doubt whether he is capable of foreseeing that his course will prove to be, and is already beginning to be demonstrated as, directly inimical to the interests of his country. It would seem to be an essential requirement of this agent in the East to so conduct himself as to make the people actually hate the English. If not so, we fail to comprehend why England does not send an agent to Japan who will truly represent that great power; for surely gentlemen endowed with a sense of decency, and mindful of diplomatic courtesies, are not scarce in England!

During the last eight years the aggregate amount of our trade has not greatly increased, nor has the trade with Great Britain, to the extent that was anticipated. And surely even the full aggregate cannot be taken as the ultimate capacity of Japan for foreign trade. Our empire has more than thirty-four millions of souls; they must eat and drink, to live; they must clothe themselves; nor are they incapable of studying comfort, and of adopting a more luxurious mode of living; they too, like other nationalities, have a taste for foreign articles, from the shoe to the hat, from the needle to "iron telegraph-posts." All this means foreign trade. But wherewith can they buy when competed with by foreign traders under peculiar advantages, and their "fabrics are supplanted" and ultimately ruined? It is self-evident that if the aggregate amount of our foreign trade were increased, under the yoke of the "Tariff Convention," it only indicates the drain of our capital, not accumulated wealth. We are now perfectly aware of that, and without a change we must follow the footsteps of nations that have been ruined by similar circumstances. Hence the contraction of foreign trade must necessarily follow—a *loss to foreign merchants as well as to Japan*.

By way of proving that the line of thought I have been pursuing is not unreasonable, I would now direct the attention of my reader to a certain occurrence of the present summer. I allude to what the *Tokio Times* has denominated "*dirty diplomacy*." In one of the Yokohama "organs" appeared the assertion that the Government had submitted to the foreign powers a schedule of customs tariff, as a basis upon which it was willing to

negotiate a new commercial treaty. Contrary as was this idea to all the usages of honorable diplomacy, all those organs which speak as one man, if not *for* one man, expressed their satisfaction with the scheme, and manifested an unusual lot of solemn hilarity. It so happened, however, that, within one week after the alleged facts had been promulgated, the *Tokio Times* and the Japanese papers exposed this "dirty diplomacy." The whole story was denounced upon authority as utterly false, and was proved to be a most dishonorable and unwarrantable proceeding; and a demand was made upon the Government to investigate the whole business, and place the odium where it belonged. That any of the Continental powers of Europe had been connected with this diplomatic outrage was not believed by any intelligent Japanese, while the zeal of those "organs," and various other transactions that have hitherto taken place in our empire, inclined public opinion to settle upon a very decided conclusion. As the *Tokio Times* has very justly remarked, it was "an intrigue set on foot for the purpose of placing Japan in a false position, and surrounding her with embarrassments from which, in the opinion of those who are interested, she may find it easier to extricate herself by a new abandonment of principle, than by boldly proclaiming and defending her prerogatives."

But before this story of diplomatic treachery had been fully exploded, the same distinguished actor made his appearance in a new but characteristic part. When our authorities were about to establish quarantine regulations for the benefit of the whole empire—lo and behold! we find this man declaring his right to a voice in framing them. Being, of course, refused this right, he "threatened defiance, in case an attempt is made to execute them, and he has more than hinted at employing force, in an extremity, to enable ships sailing under his flag to violate the precautionary enactments of this empire."

It was this same man who, some twenty years ago, when holding the office of consul, "contrived to drag his country into an unrighteous war with China, and committed such an outrage in China that he was severely condemned by the Parliament; "and, of the affair in which he then distinguished himself, Lord Elgin wrote from Hong-Kong, declaring it 'a scandal to us and so considered by all except the few who are personally compromised.'

‘Nothing could be more contemptible than the cause of our existing quarrel.’” And now he would, forsooth, throw the harbors of Japan open to pestilence—“all and again for trade.” As I recall some of the wayside incidents of that empire’s history, I am forced to inquire “How long, O Lord! are these tyrannies to endure?” So grasping has that insular empire been in the past, that she has not spared even her own colonies. It was a quarrel about tea which brought on the American Revolution, and compelled a faithful child to cast off an unkind and selfish parent, which event, however, resulted in the birth of the “Great Republic.” Read the story of India, and see how war and famine have overrun that great garden of the world—crushing millions of human hearts into the dust, and all for the sole purposes of acquiring something and creating an “Empress of India.” Think also of China, and realize, if possible, the character of that policy which permits a Christian nation to force upon a heathen empire a sufficient amount of opium to give her a revenue of nearly sixty million dollars. Look also at Canada, and witness how that colony is really kept in poverty by the lovingkindness of the mother-empire! Read also the latest proceedings of the Australian Parliament, and take in the idea that, while that colony would fain institute the doctrine of protection for her own welfare, the ruling empire would say, “No, you should not interfere with the trade of the mother-empire!” And coming down to the present hour, witness the result of England’s long-continued sympathy for “poor, oppressed Turkey,” by which Cyprus becomes her possession and Asiatic Turkey virtually her protectorate. All this I know is very jolly for, as the Americans would say, the great “Bulldozer” of Europe; but are these things to continue forever? Possibly they may—but a voice from New Japan very decidedly, and once for all, declares this is impossible—so far as her national interests are concerned.

MATSUYAMA MAKOTO.

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